REMARKS

The disclosure was objected to because of an informality on page 4, line 29. The word "of" has been removed as requested by the Examiner.

Claims 4 and 5 were objected to as being in improper form. Claims 4 and 5 have been amended to make them dependent only on claim 1.

Claim 1 was rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite in that the term "partially dissolved" was asserted to be unclear as to what in includes and excludes. Applicant respectfully asserts that a skilled artisan reading the specification would easily understand what the terms "partially dissolved" mean. In any event, claim 1 has been amended to recite that an outer portion of the particle is dissolved. Reconsideration and withdrawal of the 112 rejection in light of the amendment is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. This ground of rejection is traversed. The Example 22 of Chen cited by the Examiner teaches the use of "a dry cake base ... prepared by dry blending 370 grams of cake flour, 130 grams of shortening, and 20 grams of dry milk" to which a sugar solution heated to 250°F is added. Presumably, the dry cake base is the "crystalline carrier particles" referred to by the Examiner in the second paragraph on page 3. However, neither cake flour, shortening, dry milk, nor any combination of them are crystalline carrier particles as required by the claims of the application. Chen et al. cannot anticipate the claims as originally filed because it does not teach crystalline carrier particles.

Claim 1 has been amended to recite that the claimed process is carried out at ambient or near ambient temperatures, specifically between about 10°C and 50°C which are very distinct conditions from the methods described in Chen et al. which require a temperature of 250°F (121°C). The amended claim is patentably distinguished over Chen et al. Reconsideration and withdrawal of the 102(b) rejection in light of the amendments and these remarks is respectfully requested.

Claims 6-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Battist et al. Claim 1 has been amended to recited a particulate food additive made according to the method of claim 1. Claims 7 and 8 depend from claim 6. The amendment to claim 6 is believed to

patentably distinguish is from Battist et al. Reconsideration and withdrawal of the 102(b) rejection of claims 6-8 is respectfully requested.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-8, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discus the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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The solution of crystalline solid used in step (ii) is suitably a concentrated aqueous solution, containing for example from 30 - 65wt%, preferably about 40wt% crystalline solid. This is particularly true for sugar solutions where concentrations in excess of 65wt% are regarded as being syrups.